

Conditions

1. The development hereby permitted shall be deemed to have commenced from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

2. Unless otherwise required by this permission the development shall be carried out in accordance with the following details:
 - the planning application and accompanying environmental statement dated November 2009, including the revised Chapter 10; as amended by the application documents received from Fisher German LLP dated 4 October 2013; as amended by the application for a non-material amendment dated 9 September 2022; as amended by the letter from EOS developments dated 26 February 2025 and accompanying documents;
 - Drawing titled 'Site Location Plan' dated November 2009;
 - Drawing no. STNL-ABE-LAY-001 Revision D titled 'Site Layout Plan' dated November 2024;
 - Drawing no STNL-ABE- LAY-003 Revision C titled 'Site Elevations' dated November 2024;
 - Drawing no STNL-ABE-LAY-005 Revision C titled 'Reception Building Plan and elevations' dated November 2024;
 - Drawing no STNL-ABE-LAY-006 Revision B titled 'Site Office and Workshop' dated November 2024;
 - Drawing no STNL-ABE-LAY-007 Revision C titled 'Biogas Upgrading Plan and Elevations' dated November 2024;
 - Drawing no STNL-ABE-LAY-008 Revision B titled 'CHP and Flare Plan and Elevations' dated November 2024;
 - Drawing no STNL-ABE-LAY-009 Revision B titled 'Process Tanks Plans and Elevations' dated November 2024;
 - Drawing no STNL-ABE-LAY-00 Revision C titled 'C02 Capture and Tanks Plan and Elevations' dated November 2024;
 - email dated 11 January 2010 from Barry Groves to Nick Wakefield;
 - document titled 'Project design for archaeological recording at Stoney Bridge, Broughton Astley (Sapcote), Leics' NGR SP 504929 dated 8th November 2013;
 - Document titled 'Soundscape Assessment' (report ref: J3966) produced by Acoustic South East dated 30 January 2025;
 - Document titled 'Digestate Management Strategy (ref: ETL840/2025) produced by Earthcare Technical dated 6 February 2025;
 - Document titled 'Sutton Lodge Farm AD Plant: Construction Traffic Management Plan' (Ref LTP/24/5404) produced by Local Transport Projects dated May 2025;
 - Document titled 'Sutton Lodge Farm AF Plant: Operational Traffic Management Plan' (Ref LTP/24/5404) produced by Local Transport Projects dated May 2025; and
 - The email from Sutton Lodge Biogas Limited dated 3 June 2025.

Reason: For the avoidance of doubt as to the development that is permitted.

Flood Risk – Emergency Procedures

3. At all times, the development permitted by this planning permission shall only be carried out in accordance with the revised Flood Risk Management Plan and Access Strategy (Reference 09-039 Rev B, dated July 2010) and the following mitigation measures detailed within Section 7.0 of the document:
 1. Site operators shall subscribe to the Environment Agency's Flood Warning Service.
 2. Upon receipt of a flood warning, site operators shall implement the Flood Risk Management Plan.
 3. There shall be no access and egress via the B4114 in times of flood, during which time the alternative access arrangements set out in the Flood Risk Management and Access Strategy shall be used.

Reason: In the interests of minimising flood risk within the site or elsewhere in accordance with policy DM2 of the Leicestershire Minerals and Waste Local Plan (LMWLP), policy CC3 of the Harborough Local Plan (HLP) and paragraph 170 of the National Planning Policy Framework (NPPF) (December 2024).

Hours of Operation – Construction Phase

4. All site preparation, movement of materials and machinery and construction works within the site shall only take place between 0800 – 1800 hours (Monday to Friday) and 0800 – 1300hrs on Saturdays. No such activities shall take place at any time on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents and in the interests of the local environment and to comply with policies DM2 of the LMWLP and GD8 of the HLP.

Hours of Operation – Operational Phase

5. All deliveries and exports of materials to and from the site shall take place between the following hours only:
 - 0600hrs – 0800hrs (Mondays to Fridays inclusive);
 - 0900hrs-1700hrs (Mondays to Fridays inclusive); and
 - 0600hrs – 1300hrs Saturdays;

There shall be no HGV movements on a Sunday, Public Holiday or Bank Holiday.

Reason: In the interests of the amenity of the rural locality, to avoid peak flows on the B4114 in accordance with Section 3.23 of the Operational Transport Management Plan and to comply with policies DM2 of the LMWLP and GD8 of the HLP.

Lighting

6. No external lighting shall be installed at the site until such time as a revised lighting scheme, based on the site layout set out on drawing no *STNL-ABE-LAY-001 Revision D* titled 'Site Layout Plan' dated November 2024 has been submitted to the Waste Planning Authority for its prior written approval. The lighting shall then be installed as approved and maintained thereafter for the duration of the development.

Reason: To minimise the adverse impact of light generated by the operations on the local environment and to comply with policies DM2 of the LMWLP and GD8 of the HLP.

Ecology

7. The measures recommended at Page 11 of the Landscape Use Assessment by Bats of Appendix D of the Planning Statement Appendices document dated November 2009 shall be fully implemented to ensure that the best practicable means are used to control any impacts on the ecological interests of the site.

Reason: In the interests of the protection of bats and to comply with the requirements of LMWLP policy DM7, policy GI15 of the HLP and paragraph 187 of the NPPF.

Highways

8. No development, operations or construction beyond those detailed and presented in the 'ACE 13004 SAPCOTE AD PLANT ACCESS ROAD CONSTRUCTION METHOD STATEMENT – FIRST PHASE' shall take place until a Traffic Regulation Order has been introduced along the northern edge of the Guthlaxton Gap to prevent parking on this section of highway.

Reason: In the interests of highway safety and to ensure that vehicles associated with the development can manoeuvre safely on the public highway and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

9. No development, operations or construction beyond those detailed and presented in the 'ACE 13004 SAPCOTE AD PLANT ACCESS ROAD CONSTRUCTION METHOD STATEMENT – FIRST PHASE' shall take place until a scheme of inspection and a scheme of assessment for the hump back bridge on Fosse Way (Stoney Bridge) have been submitted to and agreed in writing by the Waste Planning Authority. Any remedial works identified in the schemes as the responsibility of the applicant shall be implemented in full prior to any development, operations or construction taking place beyond those detailed and presented in the 'ACE 13004 SAPCOTE AD PLANT ACCESS ROAD CONSTRUCTION METHOD STATEMENT – FIRST PHASE'.

Reason: In the general interests of highway safety and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

10. No use of the development shall take place until visibility splays of 4.5 metres by 160 metres have been provided at the junction of the access with Fosse Way. These shall be in accordance with the standards contained in the current County

Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

11. No use of the development shall take place until the highway works shown on Drawings Nos. 13004/102 Revision A, 13004/103, 13004/104, 13004/105, 13004/106 Revision A (all dated 29/1/13), 13004/109 Revision A, 13004/110 Revision A, 13004/111 Revision A and 13004/112 Revision A (all dated 17/9/13) have been completed to the satisfaction of the Waste Planning Authority.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner, in the interests of general highway safety, to afford easy access to the site and protect the free and safe passage of traffic in the public highway and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

12. No use of the development shall take place until such time as the wheel wash facilities have been constructed in accordance with the details set out in the document produced by plandescil dated August 2022 as approved by the Waste Planning Authority on 18 October 2022 under code reference: 2013/1538/03/CS/11. Thereafter the wheelwash facilities shall be operated and maintained as approved for the duration of the development.

Reason: To limit the impacts of the wheel wash on the visual amenity of this countryside location in accordance with policy DM5 of the LMWLP and policies GD5 and GD8 of the HLP.

13. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

14. The proposed access shall have an effective width of a minimum of 6 metres for a distance of at least 20 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

15. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

16. No vehicle with a gross laden weight over 3.5 tonnes or a length greater than 6 metres shall be permitted to enter/exit the site via the emergency access from Frolesworth Road.

Reason: In the interests of highway safety and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

17. The total number of HGV movements (in and out) to/from the site shall not exceed 46 during any 24 hour period. Records of such movements shall be maintained on a daily basis and shall be made available to the Waste Planning Authority on request. All records shall be submitted annually to the Waste Planning Authority within the first quarter of each calendar year. All records shall be kept on site for at least 12 months.

Reason: To limit the overall impacts of the development on the amenities of this countryside location, in the interests of amenity and to maintain control over the levels of activity generated by the proposal in accordance with the requirements of LMWLP policy DM2 and policies GD3 and GD8 of the HLP.

18. No more than 55,000 tonnes of food and agricultural wastes/crops shall be imported to the site per annum of which no more than 35,000 tonnes per annum shall be food waste.

Reason: To limit the overall impacts of the development on the amenities of this countryside location, in the interests of amenity and to maintain control over the levels of activity generated by the proposal in accordance with the requirements of LMWLP policy DM2 and policies GD3 and GD8 of the HLP.

19. There shall be no exportation of digestate from the application site hereby permitted until a Digestate Management Plan has been submitted to, and approved in writing by, the Waste Planning Authority. The Digestate Management Plan shall include details of both liquid and solid digestate including the means of export and how it will be used to maximise agricultural and environmental benefits in accordance with the approved Operational Transport Management Plan (OTMP) produced by Local Transport Projects dated May 2025. The Digestate Management Plan which shall also include a programme of implementation, shall be implemented as approved and maintained for the duration of the development.

Reason: To limit the overall impacts of the development on the amenities of this countryside location, in the interests of amenity and to maintain control over the levels of activity generated by the proposal in accordance with the requirements of LMWLP policy DM2 and policies GD3 and GD8 of the HLP.

20. There shall be no importation or exportation of topsoils or subsoils from the application site hereby permitted.

Reason: To ensure a satisfactory form of development in a countryside location in accordance with policy GD3 of the HLP.

21. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times and until such time as it is no longer required for these operations.

Reason: In the interests of highway safety and safeguarding the local environment and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

Landscape

22. No development, operations or construction beyond those detailed and presented in the 'ACE 13004 SAPCOTE AD PLANT ACCESS ROAD CONSTRUCTION METHOD STATEMENT – FIRST PHASE' shall take place until the Root Protection Areas identified in Drawing No. CSA/1438/105 Revision B dated 12/11/13 have been fenced in accordance with BS5837:2012. All construction and demolition activity within the Root Protection Areas shall be limited to supervised works only/hand dig shall be used for any excavation and backfilling works and any tree roots encountered with a diameter of 5 cms. or more shall be left unsevered.

Reason: To ensure the existing vegetation on site is protected and minimal disturbance is caused to the root protection areas in accordance with policy DM7 of the LMWLP.

23. No trees or hedgerows within or immediately bounding the site shall be removed except those identified on Drawing No. CSA/1438/105 Revision B dated 12/11/13. No trees shall be removed until surveys have been carried out by suitably qualified persons and at the optimum time of year to confirm the presence or absence of bats in those trees identified for felling. In the event that the presence of bats is confirmed, a strategy for their protection shall be agreed in writing with the Waste Planning Authority before the removal of any tree.

Reason: To ensure that only the agreed vegetation is removed, to preserve the continuity of amenity afforded by existing trees, shrubs and hedgerows, and to afford protection to protected species in accordance with policies DM7 of the LMWLP and GI15 of the HLP.

24. Landscape planting and maintenance shall be carried out in the first available planting season and in accordance with Drawing No. CSa/1438/103 Revision D dated 12/11/13 and the 'Landscape Implementation and Management Plan', Report No. CSa/1438/003 Revision A dated 12/11/13.

Reason: To enhance the development and biodiversity and safeguard the appearance of the locality in accordance with policies DM7 of the LMWLP and GI15 of the HLP.

25. All buildings or structures shown on Drawing No. STNL-ABE-LAY-001 Revision D titled 'Site Layout Plan' dated November 2024, shall be constructed, finished and maintained in accordance with the details set out in the document from plandescil dated August 2022 as approved by the Waste Planning Authority on 18 October 2022 under code reference 2013/1538/03/CS/24. Thereafter, all buildings and structures shall be maintained as approved for the duration of the development.

Reason: In the interests of visual amenity and to minimise the impact of the development in accordance with policies DM5 of the LMWLP and GD8 of the HLP.

Noise

26. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance/disturbance in the locality. Such measures shall include:
- a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
 - b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
 - c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles; and
 - d) no use of pure tone audible reversing beepers.

Reason: To ensure that the development does not become the source of adverse noise levels in the locality to ensure compliance with policy DM2 of the LMWLP and policy GD8 of the HLP.

27. The noise levels attributable to the development when measured 3.5 metres from the most exposed facade of any noise sensitive property shall not exceed 46dB(A) LAeq 12hour at Sutton Lodge Farm, 51dB(A) LAeq 12hour at Fosse Farm and 50dB(A) LAeq 12hour at The Barnhouse during the hours of 07:00 - 23:00 and 40dB(A) LAeq 12hour at Sutton Lodge Farm and 42dB(A) LAeq 12hour at Fosse Farm and The Barnhouse during the hours of 23:00 - 07:00.

Reason: To ensure that the development does not become the source of adverse noise levels in the locality to ensure compliance with policy DM2 of the LMWLP and policy GD8 of the HLP.

28. There shall be no external loading, unloading, processing, sorting, baling or storage of waste materials outside of the buildings on the application site.

Reason: To ensure that the development does not become the source of adverse noise or odour levels in the locality to ensure compliance with policy DM2 of the LMWLP and policy GD8 of the HLP.

Odour

29. The mitigation measures recommended in Table 3 at Page 9 of the Basic Air Quality Appraisal of Appendix F of the Planning Statement Appendices document

dated November 2009 shall be fully implemented to ensure that the best practicable means are used to control the effects of odour.

Reason: To minimise the impacts of odour generated by the operations on the locality and to comply with the requirements of policy DM2 of the LMWLP and policy GD8 of the HLP.

Water Use

30. No use of the development shall take place until the steps to minimise the consumption of water as set out in letter dated 7th November 2013 by Andy Robertson, reference 29383/CBH/PJ/ASR/ASR have been implemented.

Reason: To minimise the impact the development would have on the use of water resources to comply with the requirements of policy GD8 of the HLP and paragraph 168 of the NPPF.

Flooding

31. There shall be no raising of existing ground levels within that part of the site liable to flooding, as shown on the submitted cross-sectional drawing entitled Proposed Road Alignment With Modelled Flood Depth (Drawing Number 09-039-009).

Reason: To ensure there is no increased risk of flooding due to the impedance of flood flows and reduction in flood storage capacity to ensure compliance with the requirements of policy DM2 of the LMWLP, policy CC3 of the HLP and the NPPF.

32. No use of the development shall take place until the surface water drainage scheme shown on Drawing Nos. 29383/001/001 Revision A dated 08.11.13 and 29383/001/002 have been implemented. Maintenance of the drainage system shall be carried out in accordance with Table 1: SuDS Maintenance & Management Table of the 'TECHNICAL NOTE' reference 29383/001/TN01 dated 08 November 2013.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures and to accord with policy CC4 of the HLP.

Construction Transport Management Plan

33. The construction of the development shall be carried in accordance with the approved Construction Traffic Management Plan (Ref LTP/24/5404) produced by Local Transport Projects dated 13 May 2025. Any deviation from the approved document must be approved in writing by the Waste Planning Authority.

Reason: In the interests of highways safety during the construction period and to ensure that the development accords with the requirements of policy DM9 of the LMWLP and policy GD8 of the HLP.

Restriction on Abnormal Loads

34. The component parts of the facility being delivered will do so in containers on standard HGVs (maximum of 16.5m) and assembled on site. There will be no abnormal loads accessing / egressing the proposed development from Fosse Way/Roman Road.

Reason: In the interests of highway safety and to ensure that larger construction traffic or Abnormal Indivisible Load Vehicles (AILV) do not access / egress the site and to comply with the requirements of LMWLP policy DM9, policy GD8 of the HLP and paragraph 116 of the NPPF.

Notes to the Applicant

Highways

1. Planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
2. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. A public footpath / bridleway abuts the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council
5. The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
6. In order to provide the visibility splays detailed in condition 10 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.
7. Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
8. In the context of condition 14, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Ecology

9. Our information and recommendations result from our best knowledge of the site to date. It may change if further information is discovered. It remains the responsibility of the applicant to ensure that no protected species or their habitat is damaged during the works. The best method of achieving this is for a suitably experienced and licensed ecologist to conduct a full survey for protected species at the appropriate time of year in appropriate weather conditions.

Environment Agency

10. Applicants should be made aware that any works in, under, over or within 8 metres of the River Soar require the prior written consent of the Environment Agency under the terms of Section 109 of the Water Resources Act 1991 and the Midlands Region Land Drainage Byelaws.

11. The proposed anaerobic digestion plant will require a permit under Environmental Permitting Regulations (England and Wales) 2016. The Environment Agency will consider the following areas of potential harm when assessing the permit:
 - Techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring
 - Emission benchmarks for combustion products, temperature and pH
 - Air quality impact assessment, including odour and Habitats Regulations Assessment
12. Please note that the use of (only) purpose grown crops for anaerobic digestion may not require a permit (a permit would be required if you were to use waste). Digestate storage from an anaerobic digestion plant may not be controlled by the permit if it has ceased to be waste. For example, treated manures and slurries and where operations meet the Quality Protocol and PAS 110. Where a developer decides not to parallel track their planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning.
13. Containment systems will need to be to CIRIA 736 standard.
14. If this application is not in parallel with an environmental permitting application, the Environment Agency advise at the earliest opportunity to apply for enhanced pre-application advice using the following link: [Get advice before you apply for an environmental permit - GOV.UK](#)

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.